

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

FA ND CHEV, LLC and FA ND SUB,  
LLC,

Plaintiffs,

V.

Robert Kupper; Bismarck Motor Company;  
and BMC Marine LLC d/b/a Moritz Sport  
& Marine,

Defendants.

## ORDER

Case No. 1:20-cv-138

BAPTKO, Inc.,

Plaintiff and Counterclaim  
Defendant,

V.

Foundation Automotive Corp., an Alberta Corporation, FA ND CHEV, LLC, and FA ND SUB, LLC,

### Defendants and Counterclaimants.

The court held an omnibus hearing December 6 and 7, 2023 to address the Parties' pending Motions. The court now **ORDERS**:

- (1) Plaintiffs FA ND CHEV, LLC AND FA ND SUB, LLC's motion to reopen discovery (Doc. No. 276) is **DENIED** for the reasons articulated on the record at the close of the omnibus hearing. Plaintiffs FA ND CHEV, LLC AND FA ND SUB, LLC's request for an expedited ruling on this motion is deemed **MOOT**.
- (2) Defendant and Counterclaimants Foundation Automotive Corp., FA ND CHEV,

LLC, and FA ND SUB, LLC's motion to extend the non-dispositive motion deadline (Doc. 292) is deemed **MOOT** at it was withdrawn in open court during the course of the omnibus hearing.

- (3) BAPTKO, Inc. and Robert Kupper's motion to dismiss inventory claim and for sanctions pursuant to Federal Rules of Civil Procedure 26, 37(c)(1), and 37(b)(2) (Doc. No. 295) is **DENIED** for the reasons articulated on the record at the close of the omnibus hearing.
- (4) BAPTKO Inc.'s motion to compel discovery and to extend the discovery deadlines (Doc. No. 300) is **DENIED** for the reasons articulated on the record at the close of the omnibus hearing.
- (5) Foundation Automotive Corp., FA FA ND CHEV, LLC, AND FA ND SUB, LLC's motion sanctions (Doc. No. 303) is **DENIED** for the reasons articulated on the record at the close of the omnibus hearing.
- (6) Foundation Automotive Corp., FA FA ND CHEV, LLC, AND FA ND SUB, LLC's motion for leave to file under seal (Doc. No. 310) is **DENIED**.
- (7) BAPTKO, Inc. and Robert Kupper's motion for leave to file under seal (Doc. No. 324) is **DENIED**.

Dated this 11th day of December, 2023.

/s/ Clare R. Hochhalter  
Clare R. Hochhalter, Magistrate Judge  
United States District Court